

OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

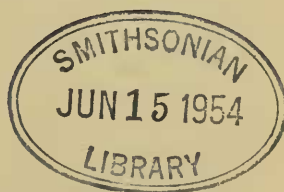
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Secretary to the Commission

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OPINION 230

Suppression, under the Plenary Powers, of Gesner (J.),
1758, *Tractatus physicus de Petrificatis* for nomenclatorial
purposes



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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

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OPINION 230

SUPPRESSION, UNDER THE PLENARY POWERS, OF GESNER (J.), 1758, "TRACTATUS PHYSICUS DE PETRIFICATIS" FOR NOMENCLATORIAL PURPOSES

RULING :—(1) The work by Gesner (J.) entitled *Tractatus physicus de Petrificatis* published in 1758 is hereby suppressed for nomenclatorial purposes under the Plenary Powers, in so far as the use of those Powers is necessary to secure this end.

(2) The foregoing work is hereby placed on the *Official Index of Rejected and Invalid Works in Zoological Nomenclature* as Work No. 2.

I.—THE STATEMENT OF THE CASE

On 28th June 1939 Dr. J. Brookes Knight (then of *Princeton University, Department of Geology, Princeton, New Jersey, U.S.A.*) submitted the following application to the International Commission on Zoological Nomenclature for a ruling on the question whether the work by Gesner (J.) entitled *Tractatus physicus de Petrificatis* published in 1758 was an available work and therefore whether names published in it possessed a status of availability under the *Règles* :—

Proposal that Gesner (J.), 1758, "Tractatus physicus de Petrificatis", should be suppressed for nomenclatorial purposes.

By J. BROOKES KNIGHT

(*Department of Geology, Princeton University, Princeton, New Jersey.*)

I wish to have an *Opinion* from the International Commission on the status of the names Gesner (J.), 1758, *Tractatus physicus de Petrificatis* . . .

Gesner apparently names and describes (in Latin) genera, without referring species to them. Later authors have used the same generic names, usually without any statement as to the authorship of the names, and have included species in them. However, since about 1830 most of these names, all ending in “-ites”, have gone out of fashion. Such as are still used are attributed to authors subsequent to Gesner. A few authors have noted Gesner's names and have rejected them out of hand as not being binominal. As a rule, they are overlooked. Sherborn accepted Gesner's names as available.

If the International Commission should decide that Gesner's generic names are technically available, it is suggested that the whole work be made unavailable under suspension of the rules, on the grounds that the adoption, as from 1758, of the names that appear in Gesner's *Tractatus physicus* would cause considerable confusion in various fields of taxonomy. Nothing would be gained by retaining them as available, save priority of the most sterile sort. Such of the names as are taken up by later authors (with, or without, reference to Gesner) should be considered valid or not on the merits of such later usage and should date from such usage, without jeopardy of homonymy with Gesner's names.

II.—THE SUBSEQUENT HISTORY OF THE CASE

2. On receipt, the present application was given the Registered Number ZN.(S.) 146. The outbreak of war in Europe in September 1939, barely two months after the receipt of this application, rendered impossible any immediate progress in its consideration, for, as a precaution against the risk of destruction through air raids, all the records of the International Commission were evacuated from London to the country within a few days of the commencement of hostilities. The Secretariat in London was re-opened in 1942, and steps were immediately taken to establish the *Bulletin of Zoological Nomenclature* as a means for bringing to the attention of zoologists applications submitted to the International Commission for decision. Work was at once started on outstanding applications with a view to arranging for their publication in the newly established *Bulletin*. The present application was sent to the printer in September 1944, but, owing to difficulties arising from paper rationing, shortage of labour at the printing works and similar causes, publication did not actually

take place until 28th February 1947 (Knight, 1947, *Bull. zool. Nomencl.* 1 : 222).

3. The publication of the present application in the *Bulletin* elicited two comments :—(1) from Dr. Th. Mortensen (*Universitetets Zoologiske Museum, Copenhagen*); (2) from Dr. J. Brookes Knight giving particulars of the views of certain members of the Joint Committee on Zoological Nomenclature for Paleontology in America.

4. *Comment by Dr. Th. Mortensen (Universitetets Zoologiske Museum, Copenhagen)* : In a letter dated 8th April 1947 Dr. Th. Mortensen (*Universitetets Zoologiske Museum, Copenhagen*) made the following comment on this case :—"Suppression of Gesner's *Tractatus* : Yes".

5. *Views of four members of the Joint Committee on Zoological Nomenclature for Paleontology in America* : In a letter dated 12th November 1947, Dr. J. Brookes Knight, the present applicant, who at that time was Chairman of the Joint Committee on Zoological Nomenclature for Paleontology in America, wrote :—

Committeeman Stenzel was asked to draw up a Resolution on this proposal. However, he has been in the field ever since then and has had no opportunity to consider matters of nomenclature. Even without a Resolution, four committeemen, Wells, Moore, Cooper and Keen, expressed themselves as favoring suppression.

6. *Issue of Public Notices* : In view of the fact that in the present application the International Commission had been asked to use its Plenary Powers to suppress Gesner's *Tractatus* in the event of its finding that this work had been published in conditions which satisfied the provisions of Article 25 of the *Règles*, it was decided in 1947 that the best course would be at once to take the action prescribed in Plenary Powers cases, so that, if the Commission were to decide to make use of that procedure, it should be free at once to do so. Accordingly, on 14th September 1947 a notice of the possible use, by the International Commission on Zoological Nomenclature, of its Plenary Powers in this case was issued to the serial publications prescribed by the Ninth International Congress of Zoology, Monaco, 1913. The publication of this notice elicited no objection to the action proposed.

III.—THE DECISION OF THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

7. The present application was considered by the International Commission on Zoological Nomenclature at the Thirteenth Meeting of its Paris Session held at the Sorbonne in the Amphithéâtre Louis-Liard on Monday, 26th July 1948 at 1730 hours. The following is an extract from the Official Record of the Proceedings of the International Commission setting out the decision reached by it in regard to this case at the foregoing meeting (Paris Session, 13th Meeting, Conclusion 49) (1950, *Bull. zool. Nomencl.* 4 : 418—420) :—

THE COMMISSION :—

- (1) took note that the specialists who had expressed an opinion on the application submitted in regard to the treatment of new “names” published in 1758 in Gesner’s *Tractatus physicus de petrificatis* were unanimous in considering that those “names” should not be accepted ;
- (2) without prejudice to the question whether in his *Tractatus* of 1758 Gesner applied the principles of binominal nomenclature and therefore whether new “names” in that work possessed any availability under the *Règles*, agreed to use their Plenary Powers in so far as necessary to suppress the foregoing work for all nomenclatorial purposes ;
- (3) placed on record that, in view of the decision specified in (2) above, any “name”, the first publication of which subsequent to 1757 was in Gesner’s *Tractatus* of 1758, ranks for purposes of the Law of Priority (Article 25) and of the Law of Homonymy (Article 34) as from the date subsequent to the *Tractatus* on which it was first published in conditions which satisfy the requirements of Article 25 and is to be attributed to the author by whom it was so published ;
- (4) agreed to render an *Opinion* recording the decisions specified in (1) to (3) above.

8. The decision taken in the present case was reported to, and approved by, the Section on Nomenclature of the Thirteenth International Congress of Zoology, Paris, 1948, at its Fifth Meeting held on 26th July 1948 (1950, *Bull. zool. Nomencl.* 5 : 110).

9. The Ruling given in the present *Opinion* was concurred in by the sixteen (16) Commissioners and Alternate Commissioners present at the Paris Session of the International Commission, namely :—

Beltrán *vice* Cabrera ; Boschma ; Bradley ; di Caporiacco ; Hemming ; Hinde *vice* Jordan ; Jorge *vice* do Amaral ; Kirby *vice* Stoll ; Lemche *vice* Dymond ; Mansour *vice* Hankó ; Metcalf *vice* Peters ; Riley *vice* Calman ; Rode ; Spärck *vice* Mortensen ; van Straelen *vice* Richter ; Usinger *vice* Vokes.

10. The Ruling given in the present *Opinion* was dissented from by no Commissioner or Alternate Commissioner present at the Paris Session.

11. At its meeting held at Copenhagen in August 1953, the Fourteenth International Congress of Zoology decided to insert a provision in the *Règles* establishing an " Official Index " to be styled the *Official Index of Rejected and Invalid Works in Zoological Nomenclature* and directing the insertion therein of the title of any work which the International Commission might either reject under its Plenary Powers or declare to be invalid for the purposes of zoological nomenclature (1953, *Copenhagen Decisions zool. Nomencl.* : 23—24). Since the foregoing provision applies to past, as well as to future, decisions by the International Commission in cases of this kind, the opportunity presented by the preparation of the present *Opinion* has been taken to record the insertion in the foregoing *Official Index* of the title of Gesner's *Tractatus*.

12. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International

Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

13. The present *Opinion* shall be known as *Opinion* Two Hundred and Thirty (230) of the International Commission on Zoological Nomenclature.

DONE in London this Sixth day of December, Nineteen Hundred and Fifty-Three.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING